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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,793	05/01/2001	Serge Gabriel Pierre Roger Cauwberghs	7322M	3672

27752 7590 02/27/2003

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EXAMINER

HARDEE, JOHN R

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

no traverse
met upper limit on
new
x refs
4/2/08

Office Action Summary

Application No.

09/830,793

Applicant(s)

CAUWBERGHS ET AL.

Examiner

John R Hardee

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,2,7,10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1, 2 and 7-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 2, 7, 10 and 12-14, drawn to compositions comprising polyvinylpyrrolidone units.

Group II, claim(s) 1, 2, 7, 10, 13 and 14, drawn to compositions comprising polyvinylloxazolidone units.

Group III, claim(s) 1, 2, 7, 10, 13 and 14, drawn to compositions comprising polyacrylamide units.

Group IV, claim(s) 1, 2, 7, 10, 13 and 14, drawn to compositions comprising polyacrylylglycinamide units.

Group V, claim(s) 1, 2, 7, 10, 13 and 14, drawn to compositions comprising polyvinylurethane units.

Group VI, claim(s) 1, 10, 11, 13 and 14, drawn to compositions comprising poly(2-ethyl-2-oxazoline).

Group VII, claim(s) 1, 7, 10, 13 and 14, drawn to fabric abrasion polymers according to claim 1 not provided for in Groups I-VI. If this group is selected, further restriction may be required.

Group VIII, claim(s) 8 and 9, drawn to compositions comprising polyvinylpyrrolidone.

3. The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Any feature which

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unites the inventions does not make a contribution over the prior art in view of the references marked X in the PCT Search Report.

PCT Rule 13.2 states: Where a group of inventions is claimed in one and the same international application, the requirement for unity of invention referred to in Rule 13.1 shall be fulfilled only when there is **a technical relationship** among those inventions involving one or more of the **same or corresponding special technical features**. The expression "special technical feature" shall mean those technical features that **define a contribution which each of the claimed inventions**, considered as a whole, **makes over the prior art**. (Emphasis added.)

4. A telephone call from Mr. Jason Camp on February 10, 2003 resulted in the election, with traverse, of Group III, drawn to polyacrylamides and polymethacrylamides.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claims 8, 9, 11 and 12 are withdrawn from consideration by the examiner as being drawn to non-elected inventions. The remaining claims were searched and examined only to the extent that they read on the elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1, 2, 7, 10, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recites that the compositions must contain a polymer comprising at least one N-oxide moiety, at least one amide moiety and mixtures thereof. It would appear from the wording that the polymers *must* comprise mixtures thereof. However, applicant's use of this wording casts doubt upon what applicant meant by this recitation. Clarification or correction is required.

8. Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Allowable Subject Matter

9. Claims 1, 2, 7, 10, 13 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action, and provided the claims are amended to recite only the elected invention.

10. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record is Fredj et al., US 5,460,752; WO 95/03390; EP 719,856 A1; and EP 664,332 A1. These references generally disclose the use of N-

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oxide polymers in laundry detergent compositions. Fredj, in addition, discloses the use of polycarboxylate builders which would function as crystal growth inhibitors. However, none of these references discloses or makes obvious the use of a polymer comprising N-oxide moieties and acrylate or methacrylate moieties.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (703) 305-5599. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (703) 308-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'John R. Hardee', with a stylized, cursive script.

John R. Hardee
Primary Examiner
February 14, 2003